

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES L. REDDEN,

Plaintiff,

vs.

JESUS FERNANDEZ, M.D., and P. A. C.
ESCONTINI

Defendants.

No. C 09-5444 JSW (PR)

ORDER OF TRANSFER

(Docket No. 2)

Plaintiff, a prisoner currently incarcerated at Santa Rita Jail, has filed this civil rights action under 42 U.S.C § 1983 against medical personnel at the United States Penitentiary-Victorville, located in Adelanto, California in San Bernardino County. Plaintiff has filed a motion to proceed *in forma pauperis*.

San Bernardino County is within the venue of the United States District Court for the Central District of California. Plaintiff alleges that the Defendants work in San Bernardino County, California.


When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. §

1 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet
2 filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790
3 F.2d 1486, 1488 (9th Cir. 1986).

4 Plaintiff brings his claims against Defendants who reside in San Bernardino
5 County, within the venue of the Central District of California. *See* 28 U.S.C. § 84.
6 Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28 U.S.C. §
7 1406(a), that this action be TRANSFERRED to the United States District Court for the
8 Central District of California. In light of the transfer, this Court will not decide
9 Plaintiff's pending motion (docket no. 2). The Clerk of the Court shall transfer this
10 matter forthwith.

11 IT IS SO ORDERED.

12 DATED: December 3, 2009



JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CHARLES LEE REDDEN,
Plaintiff,

Case Number: CV09-05444 JSW

CERTIFICATE OF SERVICE

v.

JESUS FERNANDEZ et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 3, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Charles L. Redden
UHN513
5325 Broder Blvd.
Dublin, CA 94568

Dated: December 3, 2009



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk